UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/784,450	02/23/2004	Martin Zilliacus	042933/272474	8280

826 7590 08/15/2008

ALSTON & BIRD LLP
BANK OF AMERICA PLAZA
101 SOUTH TRYON STREET, SUITE 4000
CHARLOTTE, NC 28280-4000

EXAMINER	
JAKOVAC, RYAN J	
ART UNIT	**PAPER NUMBER**
2145	

MAIL DATE	DELIVERY MODE
08/15/2008	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/784,450	ZILLIACUS ET AL.	
	Examiner	Art Unit	
	RYAN J. JAKOVAC	2145	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *30 June 2008*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-50* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-50* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed 06/30/2008 has been entered.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

3. Claims 1-11, 18-29, 33, 35-45, and 47-50 are rejected under 35 U.S.C. 103(a) as being unpatentable over US 6,671,355 to Spielman et al (hereinafter Spielman) in view of US 2003/0061289 to Clissold et al (hereinafter Clissold.).

Regarding claim 1, Spielman teaches a method for determining one or more recipients of a generic-recipient message and for dispatch of the message within a digital communication network, the method comprising: receiving a generic-recipient message at a network hub

(Spielman, Col. 4, line 60-66, The primary mailbox of the notification system receives generic messages. See also col. 2, line 50-67, col. 3, line 10-20, col. 7, line 35-35.).

Spielman does not expressly disclose wherein the generic-recipient message is sent to a group or community, however, Clissold discloses wherein the generic-recipient message is sent to a group or community (Clissold, abstract, [0004-0006], messages are sent to a group using a distribution list. See also fig. 6-7.). Spielman teaches determining predefined attributes of the message; determining one or more recipients for the message based upon the predefined attributes (Spielman, Col. 8, line 64-67 to Col. 9, line 1-5, The notification delivery message is parses for the destination address information and notification information. Col. 8, line 30-44, Attributes of the message are checked against the LDAP directory. See also, col. 2, line 10-17 and 40-67, col. 4, line 55-67, col. 6 line 1-10 and 40-60, col. 8, line 29-55); and dispatching the message to one or more recipients (Spielman, Col. 5, line 55-60, The message is dispatched to a selected device.).

Therefore it would have been obvious to one of ordinary skill in the art at the time of invention to combine wherein the generic-recipient message is sent to a group or community as taught by Clissold with the method of Spielman in order to allow a user an easy way of sending messages to a particular group of recipients (Clissold, [0005].)

Regarding claim 2, the combination of Spielman and Clissold teaches the method of claim 1, wherein receiving a generic-recipient message at a network hub further comprises receiving a generic-recipient message, chosen from the group of messages consisting of a Short Message Service (SMS) message, a Multimedia Message Service (MMS) message, electronic

mail (email) message and voice message (Spielman, Col. 4, line 40-55, The primary mailbox receives messages such as SMTP messages. Col. 5, line 26-55, Messages are delivered to devices including email, and SMS.).

Regarding claim 3, the combination of Spielman and Clissold teaches the method of claim 1, wherein receiving a generic-recipient message at a network hub further comprises receiving a message at a wireless network hub (Spielman, Col. 5, line 42-50, The paging server delivers a wireless message.).

Regarding claim 4, the combination of Spielman and Clissold teaches the method of claim 1, wherein determining predefined attributes of the message further comprises determining predefined attributes chosen from the group of attributes consisting of type of message, sender of the message, subject of the message and content of the message (Spielman, Fig. 2A, 28a, Discloses attributes of the message including SMTP header, the sender, the subject, and content of the message.).

Regarding claim 5, the combination of Spielman and Clissold teaches the method of claim 1, wherein determining one or more recipients for the message based upon the predefined attributes further comprises correlating the predefined attributes of the message with stored information related to potential recipients (Spielman, Col. 6, line 6-15, The notification process accesses the subscriber directory to retrieve subscriber attribute information for each recipient specified in the notification message.).

Regarding claim 6, the combination of Spielman and Clissold teaches the method of claim 1, wherein dispatching the message to one or more recipients further comprises assigning recipient Radio Frequency (RF) identifiers to the message (Spielman, Col. 3, line 54-65, The notification delivery message includes a message information part having selected notification information based on the notification device type (i.e. RF identifiers).).

Regarding claim 7, the combination of Spielman and Clissold teaches the method of claim 1, wherein dispatching the message to one or more recipients further comprises displaying the message on a display (Spielman, fig. 3, notifications are delivered to the subscriber's device (i.e. displayed on the subscriber's device. See also fig. 1.).

Regarding claim 8, the combination of Spielman and Clissold teaches the method of claim 7, wherein displaying the message on a display further comprises displaying the message on a display associated with a radio frequency (RF) identifier (Spielman, Col. 3, line 54-65, The notification delivery message includes a message information part having selected notification information based on the notification device type (i.e. RF identifiers). Fig. 1 discloses sending messages to devices such as wireless pagers and cell phones. Col. 9, line 10-15, messages and text based notification information are displayed on cell phones.).

Regarding claim 9, the combination of Spielman and Clissold teaches the method of claim 1, wherein dispatching the message to one or more recipients further comprises

transmitting the message to one or more recipients via a communication medium chosen from the group of communication medium consisting of short-range wireless communication, Internet communication, SMS communication, and MMS communication (Spielman, Col. 5, line 26-55, Messages are delivered to devices including email, and SMS.).

Regarding claim 10, Spielman teaches a method for prioritizing a generic-recipient message at a network hub, the method comprising: receiving a generic-recipient message at a network hub (Spielman, Col. 4, line 60-66, The primary mailbox of the notification system receives generic messages.).

Spielman does not expressly disclose wherein the generic-recipient message is sent to a group or community, however, Clissold discloses wherein the generic-recipient message is sent to a group or community (Clissold, abstract, [0004-0006], messages are sent to a group using a distribution list. See also fig. 6-7.).

Spielman teaches determining predefined attributes of the message (Spielman, Col. 8, line 64-67 to Col. 9, line 1-5, The notification delivery message is parses for the destination address information and notification information.); determining whether the message has priority based on the predefined attributes (Spielman, Col. 6, line 45-65, The notification message is examined to determine if the message has priority. See also, col. 3, line 1-10 and 25-51, col. 6, line 1-60, and Fig. 3.); and prioritizing the message if a determination is made that the message has priority (Spielman, Fig. 2B Discloses the message priority information being recorded.).

Regarding claim 11, the combination of Spielman and Clissold teaches the method of claim 10, wherein determining whether the message has priority based on the predefined attributes further comprises determining whether the message has display priority based on the predefined attributes (Spielman, Col. 6, line 45-65, The notification message is examined to determine if the message has priority.).

Regarding claim 18, the combination of Spielman and Clissold teaches the method of claim 10, wherein receiving a generic-recipient message at a network hub further comprises receiving a generic-recipient message, chosen from the group of messages consisting of a Short Message Service (SMS) message, a Multimedia Message Service (MMS) message, electronic mail (email) message and voice message (Spielman, Col. 5, line 26-55, Messages are delivered to devices including email, and SMS.).

Regarding claim 19, the combination of Spielman and Clissold teaches the method of claim 10, wherein receiving a generic-recipient message at a network hub further comprises receiving a generic-recipient message at a wireless network hub (Spielman, Col. 5, line 42-50, The paging server delivers a wireless message.).

Regarding claim 20, the combination of Spielman and Clissold teaches the method of claim 10, wherein determining predefined attributes of the group-addresses message further comprises determining predefined attributes chosen from the group of attributes consisting of type of message, sender of the message, subject of the message and content of the message

(Spielman, Col. 6, line 6-15, The notification process accesses the subscriber directory to retrieve subscriber attribute information for each recipient specified in the notification message.).

Regarding claim 21, the combination of Spielman and Clissold teaches the method of claim 10, wherein determining whether the message has priority based on the predefined attributes further comprises correlating the predefined attributes of the message with stored information related to message priority (Spielman, Col. 6, line 45-65, The notification message is examined to determine if the message has priority.).

Regarding claim 22, Spielman teaches a device having a processing unit configured to: receive a generic-recipient message from one or more communication networks (Spielman, Col. 4, line 60-66, The primary mailbox of the notification system receives generic messages.).

Spielman does not expressly disclose wherein the generic-recipient message is sent to a group or community, however, Clissold discloses wherein the generic-recipient message is sent to a group or community (Clissold, abstract, [0004-0006], messages are sent to a group using a distribution list. See also fig. 6-7.).

Spielman teaches determine[[s]] predefined attributes of the generic-recipient message (Spielman, Col. 8, line 64-67 to Col. 9, line 1-5, The notification delivery message is parses for the destination address information and notification information.) and compare[[s]] the predefined attributes to pre-stored information related to one or more potential recipients to determine one or more recipients (Spielman, Col. 6, line 6-15, The notification process accesses the subscriber directory to retrieve subscriber attribute information for each recipient specified in

the notification message. See also, col. 2, line 10-17 and 40-67, col. 4, line 55-67, col. 6 line 1-10 and 40-60, col. 8, line 29-55).

Regarding claim 23, the combination of Spielman and Clissold teaches the device of claim 22, wherein the processing unit is further configured for dispatching the messages to one or more determined recipients via lower power Radio Frequency (RF) (Spielman, Fig. 1 discloses sending messages to devices such as wireless pagers and cell phones.).

Regarding claim 24, the combination of Spielman and Clissold teaches the device of claim 22, wherein the processing unit is further configured to dispatch the message to one or more determined recipients via a digital cellular network (Spielman, Col. 5, line 30-55, The message is sent to cell phones.).

Regarding claim 25, the combination of Spielman and Clissold teaches the device of claim 22, wherein the processing unit is further configured to dispatch the message to one or more determined recipients via a communication network (Spielman, Col. 5, line 26-55, Messages are delivered to devices including email, and SMS.).

Regarding claim 26, the combination of Spielman and Clissold teaches the device of claim 25, wherein the communication network is chosen from the group consisting of the Internet, a Short Message Service (SMS) network, a Multimedia Message Service (MMS)

network and a telephony network (Spielman, Col. 5, line 26-55, Messages are delivered to devices including email, and SMS.).

Regarding claim 27, the combination of Spielman and Clissold teaches the device of claim 22, further comprising a display associated with the device that displays a message associated with a message identifier (Spielman, fig. 3, notifications are delivered to the subscriber's device (i.e. displayed on the subscriber's device. Fig. 1 discloses sending messages to devices such as wireless pagers and cell phones. Col. 9, line 10-15, messages and text based notification information are displayed on cell phones.).

Regarding claim 28, combination of Spielman and Clissold teaches the device of claim 27, wherein the message identifier is further defined as a Radio Frequency (RF) identifier (Spielman, Col. 3, line 54-65, The notification delivery message includes a message information part having selected notification information based on the notification device type (i.e. RF identifiers).).

Regarding claim 29, Spielman teaches a device comprising a processing unit (Spielman, Fig. 1, number 10, The notification system.) configured to receive[[s]] generic-recipient messages from one or more communication networks (Spielman, Col. 4, line 60-66, The primary mailbox of the notification system receives generic messages. See also col. 2, line 50-67, col. 3, line 10-20, col. 7, line 35-35).

Spielman does not expressly disclose wherein the generic-recipient message is sent to a group or community, however, Clissold discloses wherein the generic-recipient message is sent to a group or community (Clissold, abstract, [0004-0006], messages are sent to a group using a distribution list. See also fig. 6-7.).

Spielman teaches determine[[s]] predefined attributes of received generic-recipient messages and compare[[s]] the predefined attributes to pre-stored priority information to determine if the received message requires prioritization (Spielman, Col. 6, line 45-65.The notification process retrieves subscriber notification preferences and generates a notification message and a corresponding portion of the notification information which includes the priority of the message. See also, col. 3, line 1-10 and 25-51, col. 6, line 1-60, and Fig. 3.).

Regarding claim 33, the combination of Spielman and Clissold teaches the device of claim 29, wherein the processor is further configured to determine[[s]] predefined attributes of received generic-recipient messages and compares the predefined attributes to the dispatch priority information to determine if the received messages require dispatch prioritization (Spielman, Col. 6, line 45-65.The notification process retrieves subscriber notification preferences and generates a notification message and a corresponding portion of the notification information which includes the priority of the message.).

Regarding claim 35, the combination of Spielman and Clissold teaches the network hub device of claim 29, wherein the processor is further configured to determine[[s]] predefined attributes of the received generic-recipient messages, the predefined attributes chosen from the

group consisting of a sender of the message, a type of the message, a subject of the message and the content of the message (Spielman, Fig. 2A, 28a, Discloses attributes of the message including SMTP header, the sender, the subject, and content of the message.).

Regarding claim 36, Spielman teaches a computer program product for automatically determining one or more recipients of a generic-recipient message,

Spielman does not expressly disclose wherein the generic-recipient message is sent to a group or community, however, Clissold discloses wherein the generic-recipient message is sent to a group or community (Clissold, abstract, [0004-0006], messages are sent to a group using a distribution list. See also fig. 6-7.).

Spielman teaches dispatching the message to the one or more recipients within a digital communication network, the computer program product comprising a computer readable storage medium having computer-readable program instructions embodied in the medium, the computer-readable program instructions comprising: first instructions for storing information related to potential message recipients (Spielman, Fig. 1, number 30, The LDAP directory stores notification preferences.); second instructions for receiving a generic-recipient message (Spielman, Col. 4, line 60-66, The primary mailbox of the notification system receives generic messages. See also col. 2, line 50-67, col. 3, line 10-20, col. 7, line 35-35) at a network hub and determining predefined attributes associated with the generic-recipient message (Spielman, Col. 8, line 64-67 to Col. 9, line 1-5, The notification delivery message is parses for the destination address information and notification information. See also, col. 2, line 10-17 and 40-67, col. 4, line 55-67, col. 6 line 1-10 and 40-60, col. 8, line 29-55); and third instructions for determining

one or more recipients of the generic-recipient message by comparing the predefined attributes associated with the generic-recipient message to the stored information related to potential message recipients (Spielman, Col. 6, line 6-15, The notification process accesses the subscriber directory to retrieve subscriber attribute information for each recipient specified in the notification message.).

Regarding claim 37, the combination of Spielman and Clissold teaches the computer program product of claim 36, wherein the computer-readable program instructions further comprise fourth instructions for dispatching the message to the one or more determined recipients (Spielman, Col. 5, line 55-60, The message is dispatched to a selected device.).

Regarding claim 38, the combination of Spielman and Clissold teaches the computer program product of claim 36, wherein the second instructions for receiving a generic-recipient message at a network hub and determining predefined attributes associated with the generic-recipient message further comprises second instructions for receiving a generic-recipient message, chosen from the group of messages consisting of a Short Message Service (SMS) message, a Multimedia Message Service (MMS) message, electronic mail (email) message and voice message (Spielman, Col. 5, line 26-55, Messages are delivered to devices including email, and SMS.).

Regarding claim 39, the combination of Spielman and Clissold teaches the computer program product of claim 36, wherein the second instructions for receiving a generic-recipient

message at a network hub and determining predefined attributes associated with the generic-recipient message further comprises second instructions for receiving a generic-recipient message at a wireless network hub (Spielman, Col. 5, line 42-50, The paging server delivers a wireless message.).

Regarding claim 40, the combination of Spielman and Clissold teaches the computer program product of claim 36, wherein the second instructions for receiving a generic-recipient message at a network hub and determining predefined attributes associated with the generic-recipient message further comprises second instructions for determining predefined attributes associated with the generic-recipient message chosen from the group of attributes consisting of type of message, sender of the message, subject of the message and content of the message (Spielman, Fig. 2A, 28a, Discloses attributes of the message including SMTP header, the sender, the subject, and content of the message.).

Regarding claim 41, the combination of Spielman and Clissold teaches the computer program product of claim 37, wherein the fourth instruction for dispatching the message to one or more recipients further comprises assigning recipient Radio Frequency (RF) identifiers to the message (Spielman, Col. 3, line 54-65, The notification delivery message includes a message information part having selected notification information based on the notification device type (i.e. RF identifiers).).

Regarding claim 42, the combination of Spielman and Clissold teaches the computer program product of claim 37, wherein the fourth instructions for dispatching the message to one or more recipients further comprises displaying the message on a display associated with the network hub (Spielman, fig. 3, notifications are delivered to the subscriber's device (i.e. displayed on the subscriber's device. See also fig. 1.).

Regarding claim 43 the combination of Spielman and Clissold teaches the computer program product of claim 42, wherein the fourth instructions for displaying the message on a display associated with the network hub further comprises fourth instructions for displaying the message, which is associated with a Radio Frequency (RF) identifier, on a display associated with the network hub. Spielman discloses displaying messages associated with RF identifiers (Spielman, Col. 3, line 54-65, The notification delivery message includes a message information part having selected notification information based on the notification device type (i.e. RF identifiers). Fig. 1 discloses sending messages to devices such as wireless pagers and cell phones. Col. 9, line 10-15, messages and text based notification information are displayed on cell phones. Fig. 3, notifications are delivered to the subscriber's device (i.e. displayed on the subscriber's device.).

Regarding claim 44, the combination of Spielman and Clissold teaches the computer program product of claim 37, wherein the step of dispatching the message to one or more recipients further comprises transmitting the message to one or more recipients via a communication medium chosen from the group of communication medium consisting of short-

range wireless communication, Internet communication, SMS communication, and MMS communication (Spielman, Col. 5, line 26-55, Messages are delivered to devices including email, and SMS.).

Regarding claim 45, Spielman teaches a computer program product for prioritizing generic-recipient messages at a network hub, the computer program product comprising a computer readable storage medium having computer-readable program instructions embodied in the medium, the computer-readable program instructions comprising: first instructions for storing information related to message priority (Spielman, Fig. 1, number 30, The LDAP directory stores notification preferences.); second instructions for receiving a generic-recipient message at a network hub and determining predefined attributes associated with the generic-recipient message (Spielman, Col. 4, line 60-66, The primary mailbox of the notification system receives generic messages.).

Spielman does not expressly disclose wherein the generic-recipient message is sent to a group or community, however, Clissold discloses wherein the generic-recipient message is sent to a group or community (Clissold, abstract, [0004-0006], messages are sent to a group using a distribution list. See also fig. 6-7.).

Spielman discloses third instructions for determining whether the generic-recipient message has priority by comparing the predefined attributes associated with the generic-recipient message to the stored information related to message priority (Spielman, Col. 8, line 64-67 to Col. 9, line 1-5, The notification delivery message is parses for the destination address

information and notification information. See also, col. 3, line 1-10 and 25-51, col. 6, line 1-60, and Fig. 3.).

Regarding claim 47, the combination of Spielman and Clissold teaches the computer program product of claim 45, wherein the first instructions for storing information related to message priority further comprises first instructions for storing information related to message dispatch priority and the third instructions for determining whether the message has priority further comprises third instructions for determining whether the message has dispatch priority by comparing the predefined attributes associated with the messages to the stored information related to message dispatch priority (Spielman, Col. 6, line 45-65.The notification process retrieves subscriber notification preferences and generates a notification message and a corresponding portion of the notification information which includes the priority of the message.).

Regarding claim 48, the combination of Spielman and Clissold teaches the computer program product of claim 45, wherein the second instructions for receiving a generic-recipient message at a network hub and determining predefined attributes associated with the message further comprises second instructions for receiving a generic-recipient message, chosen from the group of messages consisting of a Short Message Service (SMS) message, a Multimedia Message Service (MMS) message, electronic mail (email) message and voice message (Spielman, Col. 5, line 26-55, Messages are delivered to devices including email, and SMS.).

Regarding claim 49, the combination of Spielman and Clissold teaches the computer program product of claim 45, wherein the second instructions for receiving a generic-recipient message at a network hub and determining predefined attributes associated with the message further comprises second instructions for receiving a generic-recipient message at a wireless network hub (Spielman, Col. 5, line 42-50, The paging server delivers a wireless message.).

Regarding claim 50, the combination of Spielman and Clissold teaches the computer program product of claim 45, wherein the second instructions for receiving a generic-recipient message at a network hub and determining predefined attributes associated with the message further comprises second instructions for determining predefined attributes associated with the message chosen from the group of attributes consisting of type of message, sender of the message, subject of the message and content of the message (Spielman, Fig. 2A, 28a, Discloses attributes of the message including SMTP header, the sender, the subject, and content of the message.).

4. Claims 12-14, 30-32, 34, and 46 are rejected under 35 U.S.C. 103(a) as being unpatentable over Spielman in view of Clissold and further in view of US 2006/0017983 to Syri et al (hereinafter Syri).

Regarding claim 12, the combination of Spielman and Clissold teaches the method of claim 11, the combination of Spielman and Clissold does not teach wherein prioritizing the

message if a determination is made that the message has priority further comprises prioritizing the display of the message if a determination is made that the message has display priority. However, Syri teaches wherein prioritizing the message if a determination is made that the message has priority further comprises prioritizing the display of the message if a determination is made that the message has display priority (Syri, Paragraph [0072], The mail agent application checks message priority level and preferred emails are displayed first on a list.).

Therefore it would have been obvious to one of ordinary skill in the art at the time of invention to combine wherein prioritizing the message if a determination is made that the message has priority further comprises prioritizing the display of the message if a determination is made that the message has display priority as taught by Syri with the method of the combination of Spielman and Clissold in order to present a prioritized list of email messages (Syri, Paragraph [0072]).

Regarding claim 13, the combination of Spielman, Clissold, and Syri teaches the method of claim 12, wherein prioritizing the display of the message if a determination is made that the message has display priority (Syri, paragraph [0072].) further comprises displaying the message in a prominent position on a display associated with the hub (Spielman, fig. 3, notifications are delivered to the subscriber's device (i.e. displayed on the subscriber's device). Fig. 1 discloses sending messages to devices such as wireless pagers and cell phones. Col. 9, line 10-15, messages and text based notification information are displayed on cell phones.).

Regarding claim 14, the combination of Spielman and Clissold teaches the method of claim 10, the combination of Spielman and Clissold does not teach wherein determining whether the message has priority based on the predefined attributes further comprises determining whether the message has dispatch priority based on the predefined attributes. However, Syri teaches wherein determining whether the message has priority based on the predefined attributes further comprises determining whether the message has dispatch priority based on the predefined attributes (Syri, Paragraph [0072], The mail agent application examines messages to check whether there is a previous user preference designating priority in order to display the messages of highest priority first on a list.).

Regarding claim 30, the combination of Spielman and Clissold teaches the device of claim 29, wherein the processing unit is further configured to determine[[s]] predefined attributes of received generic-recipient messages, the combination of Spielman and Clissold does not teach compare[[s]] the predefined attributes to pre-stored display priority information to determine if the received messages require display prioritization. However, Syri teaches compare[[s]] the predefined attributes to pre-stored display priority information to determine if the received messages require display prioritization (Syri, Paragraph [0072].).

Regarding claim 31, the combination of Spielman, Clissold, and Syri teaches the device of claim 30, further comprising a display associated with the device that displays message identifiers to one or more recipients (Spielman, fig. 3, notifications are delivered to the subscriber's device (i.e. displayed on the subscriber's device). Fig. 1 discloses sending messages

to devices such as wireless pagers and cell phones. Col. 9, line 10-15, messages and text based notification information are displayed on cell phones.).

Regarding claim 32, the combination of Spielman, Clissold, and Syri teaches the device of claim 30, wherein the processor is further configured to provide[[s]] for display prioritization to be chosen from the group consisting of displaying prioritized messages first in a list of messages, displaying prioritized messages in a new viewable window and displaying prioritized messages in a highlighted form (Syri, Paragraph [0072].).

Regarding claim 34, the combination of Spielman and Clissold teaches the device of claim 33, the combination of Spielman and Clissold does not teach wherein the processor is further configured to provide[[s]] for dispatch prioritization to be chosen from the group consisting of prioritizing the time at which messages will be dispatched, prioritizing the communication medium used to dispatch messages and prioritizing the recipients of the dispatched messages. However, Syri teaches wherein the processor is further configured to provide[[s]] for dispatch prioritization to be chosen from the group consisting of prioritizing the time at which messages will be dispatched, prioritizing the communication medium used to dispatch messages and prioritizing the recipients of the dispatched messages (Syri, paragraph [0072].)

Regarding claim 46, the combination of Spielman and Clissold teaches the computer program product of claim 45, the combination of Spielman and Clissold does not teach wherein

the first instructions for storing information related to message priority further comprises first instructions for storing information related to message display priority and the third instructions for determining whether the generic-recipient message has priority further comprises third instructions for determining whether the generic-recipient message has display priority by comparing the predefined attributes associated with the generic-recipient message to the stored information related to message display priority. However, Syri teaches wherein the first instructions for storing information related to message priority further comprises first instructions for storing information related to message display priority and the third instructions for determining whether the generic-recipient message has priority further comprises third instructions for determining whether the generic-recipient message has display priority by comparing the predefined attributes associated with the generic-recipient message to the stored information related to message display priority (Syri, Paragraph [0072], The mail agent application examines messages to check whether there is a previous user preference designating priority in order to display the messages of highest priority first on a list.).

5. Claims 15-17 rejected under 35 U.S.C. 103(a) as being unpatentable over Spielman in view of Clissold and further in view of Syri and further in view of US 2004/0153523 to Albal et al (hereinafter Albal).

Regarding claim 15, the combination of Spielman, Clissold, and Syri teaches the method of claim 13, the combination of Spielman, Clissold, and Syri does not teach but Albal teaches

wherein prioritizing the message if a determination is made that the message has priority further comprises prioritizing the dispatch of the message if a determination is made that the message has dispatch priority (Albal, Paragraph [0028], The email urgency record includes information relating to the priority of the delivery of the email message.).

Therefore it would have been obvious to one of ordinary skill in the art at the time of invention to combine wherein prioritizing the message if a determination is made that the message has priority further comprises prioritizing the dispatch of the message if a determination is made that the message has dispatch priority as taught by Albal with the method of the combination of Spielman, Clissold, and Syri in order to be able to specify how quickly email messages should be sent (Albal, Paragraph [0028]).

Regarding claim 16, the combination of Spielman, Clissold, Syri, and Albal teaches the method of claim 15, wherein prioritizing the dispatch of the message if a determination is made that the message has dispatch priority further comprises prioritizing the communication medium used to dispatch the message if a determination is made that the message has communication medium dispatch priority (Albal, Paragraph [0028], The email urgency record includes information relating to the priority of the delivery of the email message.).

Regarding claim 17, the combination of Spielman, Clissold, Syri, and Albal teaches the method of claim 15, wherein prioritizing the dispatch of the message if a determination is made that the message has dispatch priority further comprises prioritizing the time of dispatch of the message if a determination is made that the message has time dispatch priority (Albal, Paragraph

[0029], The delivery schedule records includes information related to when an email should be sent including delivery date and delivery time records.).

Therefore it would have been obvious to one of ordinary skill in the art at the time of invention to combine wherein prioritizing the dispatch of the message if a determination is made that the message has dispatch priority further comprises prioritizing the time of dispatch of the message if a determination is made that the message has time dispatch priority as taught by Albal with method of Spielman, Clissold, and Syri in order to be able to specify the delivery time and date of an email (Albal, Paragraph [0029]).

Response to Arguments

6. Applicant's arguments with respect to claims 1, 10, 22, 29, 36, and 45 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to RYAN J. JAKOVAC whose telephone number is (571)270-5003. The examiner can normally be reached on Monday through Friday, 7:30 am to 5:00 pm EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jason D. Cardone can be reached on (571) 272-3933. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Patrice Winder/

Primary Examiner, Art Unit 2145

RJ